

ENTERED

June 17, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

NONA JACKSON,

Plaintiff,

v.

TRANSUNION, LLC, *et al.*,

Defendants.

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CIVIL ACTION NO. H-24-184

ORDER

Nona Jackson, representing herself, has filed what appears to be a motion for leave to amend her pleadings, (Docket Entry No. 42), a motion to strike the defendants' answers, (Docket Entry No. 43), a motion to vacate a prior order, seeking what appears to be a motion for default, (Docket Entry No. 45), and a motion for an emergency hearing, (Docket Entry No. 46). The defendants similarly have several pending motions, including multiple motions to strike Ms. Jackson's amended pleadings, (Docket Entry Nos. 40, 48). and a motion to join the motions to strike, (Docket Entry No. 41). The court resolves the motions as follows.

Rule 15(a) permits a plaintiff to amend her complaint "once as a matter of course," and thereafter "only with the opposing party's written consent or the court's leave." Fed. R. Civ. P. 15(a). Under Rule 15(a), an amended complaint filed without party consent or leave of the court must be stricken. *See Jabary v. City of Allen*, 547 F. App'x 600, 604 (5th Cir. 2013). The motion for leave to amend pleadings that were already filed without leave or party consent, (Docket Entry No. 42), is denied, and the court grants the motions to strike Docket Entry No. 37 and Docket Entry No. 42. (Docket Entry Nos. 40, 48). The court allows TransUnion to join the motion to strike, granting Docket Entry No. 41.

The motion by Ms. Jackson to strike BMW's counterclaims, (Docket Entry No. 43), is denied; the vague allegations of fraud and procedural problems are insufficient. (Docket Entry No. 43).

Ms. Jackson seeks to have the court vacate an extension granted to the defendants in February, (Docket Entry No. 19), and to then find the defendants in default. There is no basis to do so; extensions are routinely granted and this extension of time to answer was neither improper nor prejudicial. The motion to vacate and motion for default against the defendants is denied. (Docket Entry No. 45). Ms. Jackson's motion for an emergency hearing on the motion to vacate, (Docket Entry No. 46), is denied as moot. Ms. Jackson's motion to strike all of the defendants' filings on the basis that the defendants are in default, (Docket Entry No. 47), is also denied. The defendants have not defaulted, because the defendants filed for extensions that the court granted.

The court grants Docket Entry Nos. 40, 41, and 48. The court denies Docket Entry Nos. 43, 45, and 46. The court strikes Docket Entry Nos. 37 and 42. The court gives Ms. Jackson until July 12, 2014, to respond to the pending motions to dismiss. (Docket Entry Nos. 33, 36). The court warns Ms. Jackson that, even though she is now representing herself, she must follow the Federal Rules of Civil Procedure and the local rules of the Southern District of Texas. Failure to do so may lead to adverse rulings or even sanctions.

SIGNED on June 17, 2024, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lee H. Rosenthal
United States District Judge